

REMARKS

Claims 18, 31 and 33-51 are pending the application. Claims 18, 31, 33-39 stand rejected. By this Amendment Claims 40-51 have been cancelled without prejudice as drawn to non-elected species, Claims 18, 31, 33-39 have been amended and new Claims 52-60 have been added. These amendments and new claims add no new matter to the application.

Claims 18, 31, 33-39 stand rejected under 35 USC §112, second paragraph; Applicant respectfully traverses these rejections. However in the interests of early identification of allowable subject matter, the clarifying amendment suggested by the Examiner have been adopted without prejudice. For consistency in Claim 18, the term “minutes” has been placed before the minute numbers in step p; where these minute numbers are expressed as part of a timed sequence in an HPLC extraction process, and not as a range times from which to be selected. Also the term “pharmaceutical agent” has been retained, as in some embodiments of the claimed subject matter, it is contemplated that no other ingredients but a single fraction need be present to effect the indicated therapy. It is noted that the antecedent basis in Claim 35 for “disease related to alpha-synuclein” is now clearly present in parent claim 31. As all section 112 concerns are believed thereby to be addressed, Applicant believes the claims are now all in condition for allowance and reconsideration is requested.

Claims 31-39 stand rejected under 35 USC §102 over Castillo WO 98/51302; Applicant respectfully traverses these rejections. Applicant does not agree that Castillo WO 98/51302 discloses any process on which any of the current claims can be read. However in the interests of early identification of allowable subject matter, Claim 31 is now amended to expressly recite single fractions, or combinations of fractions, none of which necessarily include fraction J. To the extent that the cited reference discloses extracts for *Uncaria tomentosa* that might broadly include all possible water extractable constituents, including the epicatechin fraction J, amended

claim 31 no longer reads on such extracts. In addition, the cited reference does not disclose or suggest the currently claimed methodology on how specifically to obtain the various fractions F-N, and also does not disclose any of the particular fractions F-N or combinations thereof as products of the particularly claimed process. The general disclosures of the cited reference would not lead one skilled in the art to be able to create the currently claimed extraction processes or any of the products of those processes. For any and all of these reasons, claims 31-39, and their counterparts 52-60, are all believed to be distinguished over the cited reference, and therefore in condition for allowance. Reconsideration is respectfully requested.

Claims 31-39 stand rejected under 35 USC §102 over Vitasyn; Applicant respectfully traverses these rejections. Applicant does not agree that Vitasyn represents any inherent disclosure of any of the currently claimed processes, or products of those processes. However in the interests of early identification of allowable subject matter, Claim 31 is now amended to expressly recite single fractions, or combinations of fractions, none of which necessarily include fraction J. To the extent that the cited reference discloses a therapeutic use of epicatechin, and nothing more that is pertinent to the current claims, amended claim 31 can no longer be regarded as reading on such epicatechin usage. In addition, the cited reference does not disclose or suggest the currently claimed methodology on how specifically to obtain the various fractions F-N, and also does not disclose any of the particular fractions F-N or combinations thereof as products of the particularly claimed process. The general disclosures of the cited reference would not lead one skilled in the art to be able to create the currently claimed extraction processes or any of the products of those processes. For any and all of these reasons, claims 31-39, and their counterparts 52-60, are all believed to be distinguished over the cited reference, and therefore in condition for allowance. Reconsideration is respectfully requested.

Claims 31-39 stand rejected for possible double patenting; Applicant agrees to submit an appropriate form of terminal disclaimer to obviate these rejections upon indication of allowable subject matter.

New claims 52-60 are added; Applicant believes they require no additional searching and are therefore permitted for entry at this time. Claim 52 is based upon claim 18, and is a clearer and more general statement of the same claimed subject matter, which nonetheless encompasses all the same process as claim 18 and is therefore believed to lie within the same election as currently contains claim 18. Claims 53-60 are identical claim 52 counterparts to amended claims 31 and 33-39.

Applicant believes that it has responded fully to all of the concerns expressed by the Examiner in the Office Action, and respectfully requests that the new Claims be entered and examined, and that early favorable action be taken on all claims pending in the application. Applicant respectfully requests reexamination of all rejected claims and early favorable action on them as well. If the Examiner has any further concerns, Applicant requests a call to Patrick Dwyer at (206) 343-7074.

Respectfully submitted,



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